

Plaintiff Response To Order to Show Cause

Unites States District Court
For the Northern District of California

FILED
NOV 26 2007
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Annie R. Smith,

No. C 07-04885 CW

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION,
Et al.,

Plaintiff Response to
ORDER TO SHOW CAUSE

Defendants.

Plaintiff brings this lawsuit on behalf of her grandson; a minor, due to the Defendants violated his U.S. Constitutional Rights, U.S. Congressional Educational Rights, U.S. Federal Civil Rights Laws & Statutes, and Natural Human Rights, and committed other abuses and injustices.

NC
Plaintiff other lawsuit has been filed in a venue/district which has demonstrated extreme bias, prejudice, and partiality against the minor by multiple acts of indifference and disregard to the minor's rights by the Western District of North Carolina efforts to employ Under Color of Law abuses to shield illegal acts by local public officials & institutions from any accountability or responsibility for egregious violations of all the various category of rights stated above.

This current action is different and not based upon the same set of events as the other action filed in W.D.N.C.. Plaintiff has not previously filed any lawsuit against Educational officials on the basis of the damage & irreparable injury which has been caused the minor by the abuses, fraud, malicious, retaliatory, practices being carried out under the guise of the education process or the misuse and/or misappropriation of federal funding by and to education officials who then use the funds to deny US citizens equal educational opportunity access. This action is directly against those who interfered with student's educational environment and his access to equal educational opportunities); this action has been necessitated by Educational Abuses carried out by Educational officials & institution during. The action filed in the Western District of North Carolina has been necessitated by actions following the educational abuses and outside the realm of the educational abuses; therefore, these two separate and distinct actions are not based on the same set of events.

The Northern district of California has proper jurisdiction of this complaint under the required two of the three required areas needed for jurisdiction: Personal – Subject Matter –Territorial regarding the offenses and violations of US laws within the US by US citizens & an agency of the US.

Plaintiff Response To Order to Show Cause

It is in the interest of justice and judicial efficiency that this action has not been filed in the Western District of North Carolina but; instead, been filed in a district without the legacies and badging of discrimination, intimidation, and oppression which is the legacy and continuing ways which has been used in concerted efforts to conspire against and deprive the minor of his equal rights and protections under the law and the U.S. Constitution by Western District of North Carolina officer (U.S. Judge Graham C. Mullen) who has abused his authority by acting under "color of law" & "color of authority" to willfully deprive and conspire to deprive this minor of rights protected by the constitution and U.S. law.

The custodial parent of Alfred Thomas (previously) has filed a civil complaint against the officer of the Western District of North Carolina [Judge Graham C. Mullen] as this officer violated the Constitutional & Federal Civil Rights of the custodial parent and carried out efforts to malign the custodial parent in order to effectively prevent this parent from making complaints against public government officials (and their legal counsel) while this officer engaged in willful blindness to intentionally neglect the reported ongoing, continual illegal & abusive acts. These cruel & unjust Under Color of Law & Under Color of Authority acts of Negligence & criminal indifference demonstrate and show cause regarding extreme bias, prejudice, and partiality of past, present & future intent of denying this minor his multiple rights by systematic efforts to deny & eliminate the rights of the custodial parent because he filed civil action against the largest local employee organization & largest locally federal funded local public institution – The Charlotte Mecklenburg Schools.

The custodial parent of the minor has also filed complaints against the local city, Police Department and the State of North Carolina which have all been active participants to the ongoing conspiracy & deprivation against this minor (and those similarly situated).

The other lawsuit filed by this Plaintiff (Ann Smith) in the Western District of North Carolina (filed on behalf of the minor) also names the Western District of North Carolina officer (U.S. Judge Graham C. Mullen) due to the malicious efforts of this officer to effectively & actually deprive this minor of his: rights, privileges, & immunities including his property (the privilege of and benefit of his custodial parent), 1st Amendment Constitutional Rights of "Freedom of Speech", Freedom to peaceably assemble" & "right to petition the government for a redress of grievances", violations of this minors rights to Privacy under the Due Process Clause, 14th Amendment Rights violations, and multiple other violations and abuses done to this minor by the Western District of North Carolina's perpetrating Under Color of Law & US Constitutional attacks against the minor's custodial parent such that the minor's rights could be effectively & continually violated by local public officials the Western District of North Carolina has sought to place "above the law" and not be required to adhere to the laws & statutes which they are required to follow in order to be eligible for the tens of millions of dollars in federal funds they receive.

It is within this background which a reasonable & non-involved individual would logically conclude that any expectation of Equal Protection, Fair Hearing would not be forthcoming by the Western District of North Carolina (or its officers) who have already

Plaintiff Response To Order to Show Cause

carried out multiple abuses & attacks against this 12 year old minor in order to permit the \$Billion dollar plus budgeted & 18,000 employee school district (and their officials) to continue to be immune from civil action as already done and made evident by the Western District of North Carolina obstruction of & perversion of Justice of a matter which is of great importance to the public's general interest.

The custodial parent of minor has even requested in some of the complaints filed on behalf of the minor to be moved to a different venue and reassigned to a Judge who has not demonstrated previous indifference & disregard to the rights of the minor as it is sufficient grounds for a judge to recuse himself in a case which a reasonable observer would observe or notice conflicts, bias and or prejudice. The Western District of North Carolina & its officers have demonstrated and subjected the minor to continual prolonged abuse & deprivation of his rights and have treated him and his personal advocate with extreme prejudice, partiality, and bias and denied reasonable motions & request such that the Constitutional & other rights of the minor could be protected, enforced, and recognized. In addition; the officer of the district has violated the rights of the minor necessitating not only civil action against him but also a Judicial Misconduct Complaint (No. 07-9063) to be filed with the 4th Circuit Court of Appeals who has also not embraced the rights of this minor.

This minor has already been denied & deprived of life, liberty, and property without Due Process and without Equal Protection, fundamental fairness, privileges, basic & inalienable rights, immunities, privileges, equal educational opportunity & access, the property & privilege of having a parent who can advocate on behalf of the minor, deprived of friends, home, social connections, various Constitutional and Federal Civil Rights by the Article 4, Section 2, Clause 1 & Article II, Section 3 violations and abuses against this minor by W.D.N.C..

Civil action was initially filed when abuses & violations were only being perpetrated by educational officials. After reporting these abuses to the Western District of North Carolina Judge Graham C. Mullen (this official/officer of W.D.N.C.) not only encouraged and permitted these abuses (and violations of State, Federal and Constitutional laws) to continue to be inflicted upon the minor but also violated and deprived the minor of his rights himself as this official effectively sought immunity for the federal funded institution (and their legal counsel) which the WDNC officials suspended the minors (by attacking the minor's custodial parent) of protections afforded them by the Supreme Law of the Land due to the official willfully used his position to permit & encourage the reported violation of U.S Citizen's rights by Under Color of Law abuses.

It is beyond reasonable to expect any degree of fundamental fairness or Justice could prevail by trying this case in such a prejudiced venue that has clearly demonstrated their motivation is to obstruct & deny Justice.

Signed this 20th day of November 2007.


Annie R. Smith

Plaintiff Response To Order to Show Cause

CERTIFICATE OF SERVICE

I certify that on 11/20/07 I emailed and/or delivered or mailed a complete copy of this PLAINTIFF RESPONSE TO ORDER TO SHOW CAUSE and all attachments to all parties, addressed as shown below.

Items email & mailed to:

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Signature